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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEITH BRIDGEWATER,

Plaintiff,

No. 2:10-cv-2971 GEB DAD P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a prisoner who is proceeding pro se and in forma pauperis. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983. On January 15, 2013, plaintiff filed a motion requesting that the United States Marshal complete service of process on defendants Hicks and Hazlewood. (Doc. No. 32) On August 27, 2012, the court ordered the United States Marshal to serve the complaint on four defendants. Process directed to defendant Hazlewood was returned unserved with a notation indicating that said defendant is no longer employed at California State Prison-Sacramento (CSP-Sacramento), that the service documents had been forwarded, and that the forwarded mail had been stamped “return to sender” and returned unclaimed. See Doc. No. 34. Process directed to defendant Hicks has not yet been returned.

On January 22, 2013, plaintiff filed a request for a ninety-day extension of time to file an opposition to the December 24, 2012 motion to dismiss filed by defendants Turner and

1 Virga. In his request for extension of time (Doc. No. 33), plaintiff asserts that it will be more
2 efficient to proceed once all four defendants have appeared in the action and he seeks the
3 extension of ninety days in order to complete service of process on all four defendants. The court
4 shares the view that judicial economy will be served if service issues are resolved expeditiously.
5 To that end, the court will direct counsel for defendants to inform the court within thirty days
6 whether counsel is willing to accept service of process on behalf of defendant Hazlewood and/or
7 defendant Hicks, and whether counsel will represent either or both of those defendants. The
8 court will set a new briefing schedule on defendants' motion to dismiss following receipt of
9 counsel's response.

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff's January 15, 2013 motion to have the United States Marshal
12 complete service of process on defendants Hicks and Hazlewood (Doc. No. 32) is denied without
13 prejudice;

14 2. Within thirty days from the date of this order counsel for defendants shall
15 inform the court in writing whether counsel is willing to accept service of process on behalf of
16 defendant Hazlewood and/or defendant Hicks, and whether counsel will represent either or both
17 of those defendants;

18 3. Plaintiff's January 22, 2013 motion for extension of time (Doc. No. 33) is
19 granted;

20 4. The court will set a new briefing schedule on defendants' December 4, 2012
21 motion to dismiss following receipt of defense counsel's response to this order.

22 DATED: January 30, 2013.

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25 _____
26 DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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